



IFW

Attorney Docket No. 00033.03CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: RABINOWITZ ET AL. )  
SERIAL NO.: 10/766,634 )  
FILED: JANUARY 27, 2004 )  
TITLE: DELIVERY OF DIPHENHYDRAMINE )  
THROUGH AN INHALATION ROUTE )  
EXAMINER: HAGHIGHATIAN, M.  
ART UNIT: 1616  
CONFIRMATION NO.: 3768

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

12/23/2005 HDENESS1 00000006 195117 10766634  
01 FC:1806 180.00 DA

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Applicant calls the Examiner's attention to the patents and publications listed on the attached Form PTO-1449, copies of required documents enclosed, which may be material to examination of the above identified application.

TIME OF TRANSMITTAL

This Information Disclosure Statement is being submitted under 37 CFR § 1.97(c). This Statement is filed after three months from the filing date of the national application, after three months from the date of entry into national stage under 37 CFR § 1.491, after the mailing of a first Office Action on the merits, or after the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR § 1.114, but before the mailing date of any of:

- (a) a final action under 37 CFR § 1.113;
- (b) a notice of allowance under 37 CFR § 1.311; or
- (c) an action that otherwise closes prosecution in the application.

In the Office Action submitted in this application on November 23, 2005, Applicants requested that the Examiner reconsider the finality of the rejection as premature. The Examiner had indicated that she would withdraw the finality of the rejection and Applicants submitted an accompanying Information Disclosure Statement for the Examiner's consideration. Therefore,

37 CFR 1.8

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 12/14/05

Signature: Tasha L. Pierce  
Name: Tasha L. Pierce

The PTO did not receive the following  
listed item(s) a check \$180.00


Applicant assumes that at this time the finality of the rejection has been withdrawn.

This Statement is accompanied by a check for \$180 in accordance with 37 CFR §§1.97(c) and 1.17(p). The undersigned hereby authorizes the charging of any deficiency of fees submitted herewith to Deposit Account No. 19-5117.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. This listed patents and publications are believed of interest herein and consideration and citation of as interest by Examiner is respectfully requested.

Respectfully submitted,

Date: December 16, 2005

  
Barry J. Swanson #33,215  
Swanson & Bratschun, L.L.C.  
1745 Shea Center Drive, Suite 330  
Highlands Ranch, Colorado 80129  
Telephone: (303) 268-0066  
Facsimile: (303) 268-0065

S:\CLIENT\FOLDERS\ALEXZA\33.03CON\00033.03CON IDS FINAL2A.DOC

FORM PTO-1449

U.S. DEPARTMENT OF  
COMMERCE PATENT  
AND TRADEMARK  
OFFICE

ATTY. DOCKET NO.

00033.03CON

SERIAL NO.

10/766,634

APPLICANT

Rabinowitz, et al.

FILING DATE

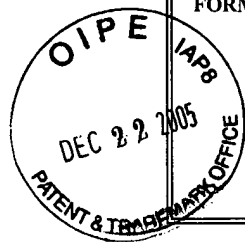
January 27, 2004

GROUP

1616

List of Information Cited by Applicant

Page 1 of 3



## U.S. PATENT DOCUMENTS

EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB- CLS	FILE DATE
	AA	4,183,912	01/15/1980	Rosenthale			
	AB	4,232,002	11/04/1980	Nogrady			
	AC	US2002/006181	05/23/2002	Osbakken, et al.			
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						
	AO						
	AP						

## FOREIGN PATENT DOCUMENTS

EXAM. INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLS	SUB CLS	TRANS ?
	AQ	WO 92/05781	04/16/1992	WIPO			
	AR	WO 96/31198	10/10/1996	WIPO			
	AS	WO 01/17568	03/15/2001	WIPO			
	AT						

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AU	
	AV	
	AW	
	AX	
	AY	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.